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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/102,238	06/22/1998	KENICHI KUBO	B208-967	1575

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NEW YORK, NY 10017

EXAMINER

VILLECCO, JOHN M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/102,238

Applicant(s)

KUBO ET AL.

Examiner

John M. Villecco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 11, 13 and 15 is/are allowed.
- 6) ☒ Claim(s) 8, 10, 12 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed July 8, 2003 have been fully considered but they are not persuasive.
2. Regarding claim 8, applicant has added the limitation that the position of the lens is not changed upon a changing of the conversion characteristic. Applicant asserts that Kaneko does not disclose this aspect. More specifically, applicant argues that when the conversion characteristic is changed the lens is moved to a different position. Applicant argues that col. 4, lines 21-29 teach that upon selecting a mode using the mode selector (19), the position of the lens is moved to a corresponding position. However, the paragraph in column 4, lines 4-29 is used to describe how the apparatus converts a movement of the operating means (4) into a servo control signal for moving the lens. This paragraph describes the right-handed mode only (col. 3, lines 65-66 and col. 4, line 4. Therefore, this paragraph is only concerned with moving the lens based on the conversion characteristic of the right-handed mode.
3. Furthermore, it would make no sense to change the position of the lens when switching from one mode to another. This would cause the image being picked up to vary sharply or to be completely out of focus. In Kaneko, the user has the ability to switch from a right-handed mode to a left-handed mode. Clearly one would not want to change the position of the lens just because they start to use a different hand. Therefore, it would be inherent that the position of the lens does not change when switching modes.

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4. For the reasons stated above the rejection from the previous office action will be repeated.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 8, 10, 12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaneko et al. (U.S. Patent No. 5,633,680).** The Kaneko reference has already been supplied to the applicant in the first office action mailed on March 29, 2002.

7. Regarding ***claim 8***, Kaneko discloses a rotary operation member (4) for inputting a moving amount of a lens, an output signal characteristics converting means (8) for converting a rotating amount of the rotary member (4) into an amount of movement variation of the control data of the position of a lens, and mode selector means (19) for selecting a mode for operating the lens adjusting apparatus. This mode selector means (19) changes the output signal characteristics converting means to implement a different method of moving the lens to a desired position. See column 3, lines 54-59 and column 4, lines 30-60. Therefore, the mode selector acts as the conversion characteristic changing means. Furthermore, it would make no sense to change the position of the lens when switching from one mode to another. This would cause the image being picked up to vary sharply or to be completely out of focus. In Kaneko, the user has the ability to switch from a right-handed mode to a left-handed mode. Clearly one would not

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want to change the position of the lens just because they start to use a different hand. Therefore, it would be inherent that the position of the lens does not change when switching modes.

8. As for *claim 10*, Kaneko discloses that the lens is a focusing lens (col. 3, line 11) which is disposed in a television camera (col. 1, line 16).

9. Regarding *claim 12*, Kaneko discloses a television camera (col. 1, line 16) with a means for controlling a lens apparatus within the television camera. Kaneko discloses a rotary operation member (4) for inputting a moving amount of a lens, an output signal characteristics converting means (8) for converting a rotating amount of the rotary member (4) into an amount of movement variation of the control data of the position of a lens, and mode selector means (19) for selecting a mode for operating the lens adjusting apparatus. This mode selector means (19) changes the output signal characteristics converting means to implement a different method of moving the lens to a desired position. See column 3, lines 54-59 and column 4, lines 30-60. Therefore, the mode selector acts as the conversion characteristic changing means. Furthermore, it would make no sense to change the position of the lens when switching from one mode to another. This would cause the image being picked up to vary sharply or to be completely out of focus. In Kaneko, the user has the ability to switch from a right-handed mode to a left-handed mode. Clearly one would not want to change the position of the lens just because they start to use a different hand. Therefore, it would be inherent that the position of the lens does not change when switching modes.

10. With regard to *claim 14*, Kaneko discloses a television camera (col. 1, line 16) with a means for controlling a focusing lens (col. 3, line 11) apparatus within the television camera. Kaneko discloses a rotary operation member (4) for inputting a moving amount of a lens, an

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output signal characteristics converting means (8) for converting a rotating amount of the rotary member (4) into an amount of movement variation of the control data of the position of a lens, and mode selector means (19) for selecting a mode for operating the lens adjusting apparatus. This mode selector means (19) changes the output signal characteristics converting means to implement a different method of moving the lens to a desired position. See column 3, lines 54-59 and column 4, lines 30-60. Therefore, the mode selector acts as the conversion characteristic changing means. Furthermore, it would make no sense to change the position of the lens when switching from one mode to another. This would cause the image being picked up to vary sharply or to be completely out of focus. In Kaneko, the user has the ability to switch from a right-handed mode to a left-handed mode. Clearly one would not want to change the position of the lens just because they start to use a different hand. Therefore, it would be inherent that the position of the lens does not change when switching modes.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- **Makino et al. (U.S. Patent No. 4,735,494)** teaches a zoom lens control system capable of changing zoom speeds based upon the distance to the subject and the position of the lens.

Allowable Subject Matter

12. **Claims 9, 11, 13, and 15 are allowed.**

13. Regarding *claims 9, 13, and 15*, the primary reason for indication of allowable subject matter is that the prior art fails to teach or reasonably suggest correcting the reference data of the

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amount of variation of conversion characteristic mode when a different mode is detected based on the control data of the previous sampling.

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any response to this final action should be mailed to:

Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications; please mark "**EXPEDITED PROCEDURE**"; for informal or draft communications, please label "**PROPOSED**" or "**DRAFT**")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (703) 305-1460. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service desk whose telephone number is (703) 306-0377.



JMV
9/9/03



VU LE
PRIMARY EXAMINER